

II. DISCUSSION

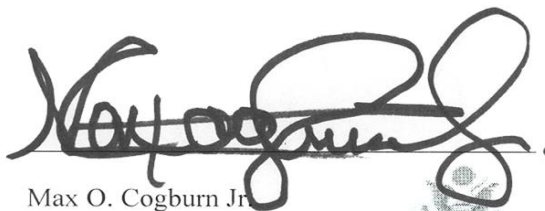
Defendant's motion is denied. As an initial matter, the Court did not defer Defendant's payment of restitution and fees during her incarceration. Defendant's judgment specifically states that payment is "to begin immediately" and that "[u]nless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment" (Doc. No. 130 at p. 7). It further states that "[i]n the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, payments shall be made in equal monthly installments of \$50.00 to commence 60 days after release from imprisonment to a term of supervision." (*Id.*). The Court indisputably ordered Defendant to begin paying her criminal monetary penalties during her term of incarceration.

Regardless, Defendant's motion is procedurally improper because she has not first exhausted her administrative remedies. Before seeking relief from any court regarding obligations under the IFRP, a defendant must exhaust all administrative remedies through the Bureau of Prisons. See United States v. Boulware, No. 1-09-CR-55, 2016 WL 4418239, at *1 (W.D.N.C. Aug. 17, 2016) (citing McGhee v. Clark, 166 F.3d 884, 887 (7th Cir. 1999)). Once all administrative remedies have been exhausted, a defendant may challenge such payments only by filing the appropriate pleading in the district court located in the district of confinement, not the sentencing court. *Id.* Thus, the Court will deny the Defendant's motion to reduce IFRP payments.¹

¹ The Government notes in its response that, given Defendant's financial circumstances, the amount she has paid to restitution, and the small remaining balance, the Government does not have any objection to her payments being decreased to \$25/quarter. The Government asserts that it will send a letter to her BOP counselor to that effect.

IT IS THEREFORE ORDERED that Defendant's pro se Motion for Modification of Restitution Payments, (Doc. No. 148), is **DENIED**.

Signed: November 18, 2022



Max O. Cogburn Jr.
United States District Judge